



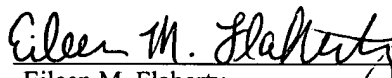
DOCKET NO.: B0801.70280US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tzianabos et al.  
Serial No.: 10/814,620  
Confirmation No.: 5444  
Filed: March 31, 2004  
For: ZWITTERIONIC IMMUNOMODULATORS FOR THE TREATMENT OF ASTHMA  
AND ALLERGY  
Examiner: Nora Maureen Rooney  
Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 26<sup>th</sup> day of March, 2009.

  
Eileen M. Flaherty

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

Transmitted herewith are the following documents:

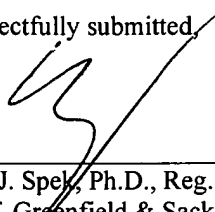
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
Erik J. Spek, Ph.D., Reg. No.: 61,065  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: B0801.70280US01  
Date: March 26, 2009  
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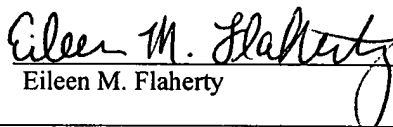
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Eileen M. Flaherty

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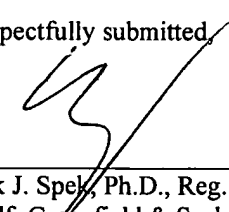
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*Eileen M. Flaherty*  
Eileen M. Flaherty

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
12/223,563	August 1, 2008	Kasper et al.	*B0801.70327US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report or other communication from a corresponding International or Foreign National Application.

<u>Serial No.</u>	<u>Mailing/Issuance Date</u>	<u>Type(s) of Communication</u>	<u>Docket No.</u>
PCT/US07/03160	January 28, 2008	International Search Report and Written Opinion	B0801.70327WO00
PCT/US07/03160	August 12, 2008	International Preliminary Report on Patentability	B0801.70327WO00
PCT/US00/08586	June 29, 2001	International Preliminary Examination Report	B0801.70169WO00
PCT/US00/08586	November 7, 2000	International Search Report	B0801.70169WO00
PCT/US00/08586	January 26, 2001	Written Opinion	B0801.70169WO00

<b>PCT/US95/11160</b>	<b>November 21, 1996</b>	<b>International Preliminary Examination Report</b>	<b>B0801.70121WO00</b>
<b>PCT/US95/11160</b>	<b>June 19, 1996</b>	<b>Written Opinion</b>	<b>B0801.70121WO00</b>
<b>PCT/US95/11160</b>	<b>January 8, 1996</b>	<b>International Search Report</b>	<b>B0801.70121WO00</b>
<b>PCT/US2004/009838</b>	<b>October 1, 2005</b>	<b>International Preliminary Report on Patentability</b>	<b>B0801.70280WO00</b>
<b>PCT/US01/47251</b>	<b>October 29, 2004</b>	<b>International Preliminary Examination Report</b>	<b>B0801.70199WO00</b>
<b>PCT/US01/47251</b>	<b>October 11, 2002</b>	<b>International Search Report</b>	<b>B0801.70199WO00</b>
<b>PCT/US01/47251</b>	<b>July 29, 2002</b>	<b>Invitation to Pay Additional Fees</b>	<b>B0801.70199WO00</b>
<b>EP 04014020.4</b>	<b>August 4, 2004</b>	<b>Partial European Search Report</b>	<b>B0801.70169EP01</b>
<b>EP 05110973.4</b>	<b>February 22, 2006</b>	<b>Partial European Search Report</b>	<b>B0801.70121EP02</b>
<b>US 10/432,406</b>	<b>February 6, 2009</b>	<b>Notice of Allowance</b>	<b>B0801.70199US01</b>

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

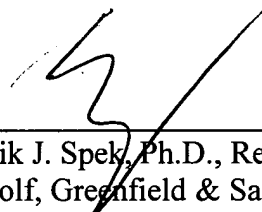
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



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